

REMARKS/ARGUMENTS

Applicant believes that the issues in this case are now well defined and submits this Amendment to cancel Claims 1 through 13, and make a small correction to Claim 14, which now refers to the inner sealing element and the outer sealing element rather than the inner sealing element and the inner sealing element, an obvious clerical error.

If upon considering these arguments, the Examiner does not agree that the claims are allowable, the changes are submitted to put the claims in a better condition for appeal and should be entered.

Before considering the rejection or the references in detail, it may be helpful to briefly consider the invention as a whole. Applicant provides, for the first time, a sealing arrangement for sealing and guiding a movable window pane that provides effective sealing and guiding of the window in at least three distinct regions of the frame, namely the side regions of the window opening where the edges of the window are guided for up and down movement, the upper edge of the window opening where the upper edge of the window is received and sealed when the window is closed, and the door cavity region in which the window is stored when it is fully down. The seal is designed so that the side portions and the top portion of the seal, though not the frame, are the same. The seal has a different configuration in the door cavity portion. As set forth in Claim 14, the middle segment connects the inner flange and the outer flange in the area of the first guiding portion but the middle segment is positioned at a distance from the inner flange and the outer flange in the area of the second guiding portion (the door cavity). This is not to say that the base portion is necessarily torn from the side portions in the door cavity but that the integrally formed seal itself has a different arrangement in the different sections.

Furthermore, and as can be seen easily by reference to Figure 2 and especially the sealing element 25, there are two contact surface areas arranged perpendicular to each other so that the window pane can be powered reversible, that is move in two directions while maintaining the seal.

Turning now to the rejection, the Examiner relies first on Mesnel '223 in view of Schroder '463. Applicant believes that the Examiner recognizes that Mesnel does not show a single integral piece. The Examiner now takes the position that integral versus separate is not patentable. At the risk of beating this horse to death yet again, Applicant respectfully submits that it is clear that Mesnel is made from a plurality of elements and moreover that this is an important difference between Mesnel and the Applicant. Applicant aims to address the continuing need for less and less expensive parts and less and less expensive installation that the vehicle market requires. Providing a one piece seal addresses both of these requirements.

Mesnel is specific. He describes a pair of shaped gripping and covering frame elements or enclosures. The flocking 6 on the spacer brace 5 appears to be applied directly to the spacer brace as described at Column 2, Line 20, *et. seq.* Thus the flocking on the spacer brace is not even a part of Mesnel's seal let alone an integral part as claimed by Applicant. There is no seal on Mesnel's spacer brace, merely flocking.

Furthermore, Mesnel appears to provide a seal only for the vertical portions of the window opening and the beveled end portion, not for the top portion. Applicant in distinction provides a seal that covers all four sides of the window opening as well as the rails that extend into the door cavity. Applicant's integral one piece seal is a distinct improvement over the multipart seal of Mesnel.

The Examiner relies on Schroder '463 to show an integral one piece seal. There are a number of important differences between Schroder's seal Applicant's seal. In Applicant's seal, the hollow side seals 25 and 26 contact the edges of the window glass at every location, that is, the side edges as shown in Figures 2 and 6, the top as shown in Figure 4, the corners as shown in Figures 3 and 7, and in the door cavity as shown in Figure 10.

Moreover, in Schroder, the base portion 10 must be physically torn from the side portions 9 at tear points 12 to produce the seal shown in Figure 3. Reference to Figure 3 of Schroder illustrates another difference, previously mentioned, namely that the inner and outer sealing elements of Applicant's invention have contact surface areas configured in two directions perpendicular to each other which is not shown or suggested by either Mesnel or Schroder. Applicant's arrangement provides better sealing as the window is moved in the up and down directions respectively.

The Examiner suggests that it would have been obvious to provide the weather seal of Mesnel as an integral one piece elastomer weather seal as taught by Schroder, but this ignores the teaching of Schroder. Note that in Figure 7, Schroder shows what appears to be a one piece seal as an example of the prior art. Mesnel is especially designed to be used on automobile door frames that are not assembled and shaped by bending the metal profile in the form of a U-shaped window frame, but are formed by stamping double door frames comprising an inner panel and an outer panel joined together to form a frame. It is an explicit object of Mesnel to eliminate the disadvantages of the prior art by providing a pair of shaped gripping and covering frame elements or enclosures, not a single integral piece. See, Column 1, Summary of the Invention. The advantages noted by the Examiner are advantages of Applicant's invention but it is unfair to say that Mesnel suggests them when it does not.

Further, as described, the fact that Applicant's invention is formed in a single integral piece is not the only difference between the invention claimed in Claim 14 and the combination of Mesnel and Schroder and accordingly that rejection should be withdrawn.

Claim 15 is rejected as above in further view of Herr '364. The Examiner relies on Herr to show a hollow seal along a bottom/base portion. The Examiner suggests that it would have been obvious to modify the weather seal of Mesnel with a hollow portion along the base as shown by Herr but this ignores the fact that Mesnel does not provide a seal at all along the base but merely flocking as described above. It appears that the sole function of the flocking of Mesnel is to reduce friction. As Mesnel states, the construction of the elements 1 and 2 provide easy installation while one simultaneously tightens a spacer brace 6 which has flocking on the inner face thereof, *i.e.*, on the portion against which the glass window abuts. There is no suggestion in Mesnel to form a seal on the spacer brace.

Furthermore, Claim 15 requires, as does Claim 14 from which it depends, that the contact surface areas are configured in two dimensions, each perpendicular to each other such that the window pane can be powered reversible between the inner sealing element and the outer sealing element. Mesnel does not show this arrangement nor does Herr.

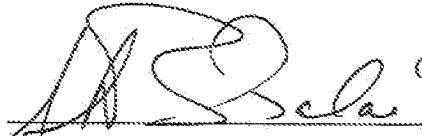
Claims 22, 28 and 31 are rejected in further view of Oda '160. While Oda may show a hollow seal with an internal rib and a seal covering a portion of a bracing element, it does not show the other elements already discussed.

Applicant respectfully submits that for the reasons set forth above, Claim 14 and all of its dependent claims are readily distinguishable from the art of record and

that moreover the claims are clearly in condition for allowance. Favorable action is requested.

Date: October 11, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. B. Salai", written over a horizontal line.

Stephen B. Salai, Registration No. 26,990

Customer Number 23387

HARTER SECREST & EMERY LLP

1600 Bausch & Lomb Place

Rochester, New York 14604

Telephone: 585-232-6500

Fax: 585-232-2152